

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
AT DAYTON**

GAREY E. LINDSAY, Regional Director
of the Ninth Region of the National Labor
Relations Board, for and on behalf of the
NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

Civil No. 3:17-cv-00126
Judge Rose

MIKE-SELL'S POTATO CHIP COMPANY

Respondent

PETITIONER'S MOTION TO ADJUDICATE
BASED UPON AFFIDAVIT EVIDENCE

Now comes Counsel for the petitioner, Garey E. Lindsay, Regional Director of the Ninth Region of the National Labor Relations Board, on behalf of the National Labor Relations Board, herein called the Board, and respectfully moves that the injunctive relief prayed for in the petition filed in the above-captioned case be granted based solely on the pleadings, including the verified assertions of belief made therein, and witness affidavits on which such belief is based, and that said relief be granted without conducting an evidentiary hearing regarding said petition.

As is more fully explained in the supporting memorandum simultaneously filed in support of this Motion, adjudication of this matter based on affidavits and exhibits submitted by the parties is appropriate given the standard of proof required to support the need for injunctive

relief under the applicable statutory scheme and will avoid duplicative litigation, facilitate a speedy decision and conserve the time and resources of the Court and the parties.

Dated: May 5, 2017

/s/ Eric A. Taylor

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Attachments

CERTIFICATE OF SERVICE

May 5, 2017

I hereby certify that on this date I filed the foregoing with the Clerk of Court, and I hereby certify that I have also sent notification to the following electronically and by United States Postal Service:

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